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**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JESSICA WORCH,) Case No.
)
Plaintiff,) COMPLAINT FOR VIOLATION
) OF THE FEDERAL FAIR DEBT
vs.) COLLECTION PRACTICES ACT
)
MONARCH RECOVERY)
MANAGEMENT, INC.,)
)
Defendant.)
_____)

I. INTRODUCTION

1. This is an action for damages brought by an individual consumer for Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. §1692, *et seq.* (hereinafter "FDCPA"), which prohibit debt collectors from engaging in abusive, deceptive, and unfair practices.

II. JURISDICTION

2. Jurisdiction of this Court arises under 15 U.S.C. §1692k (d).

III. PARTIES

3. Plaintiff, Jessica Worch (“Plaintiff”), is a natural person residing in Tulsa county in the state of Oklahoma, and is a “consumer” as defined by the FDCPA, 15 U.S.C. §1692a(3).

4. At all relevant times herein, Defendant, Monarch Recovery Management, Inc., (“Defendant”) with its principle place of business in the Philadelphia County in the state of Pennsylvania, was a company engaged, by use of the mails and telephone, in the business of collecting a debt from Plaintiff which qualifies as a “debt,” as defined by 15 U.S.C. §1692a(5). Defendant regularly attempts to collect debts alleged to be due another, and therefore is a “debt collector” as defined by the FDCPA, 15 U.S.C. §1692a(6).

IV. FACTUAL ALLEGATIONS

5. At various and multiple times prior to the filing of the instant complaint, including within the one year preceding the filing of this complaint, Defendant contacted Plaintiff in an attempt to collect an alleged outstanding debt.

6. On average, Plaintiff received from Defendant, more than five collections calls per day, more than ten collections calls per week, and more than twenty collections calls per month, including but not limited to, more than 17 calls made on June 20, 2011.

1 7. Defendant contacted Plaintiff at times and places that were known to
2 be inconvenient and with such a frequency as to constitute harassment under the
3 circumstances, including but not limited to, more than 17 calls made on June 20,
4 2011.
5

6 8. On at least on occasion, Plaintiff has verbally requested, during a
7 telephone conversation, to cease all telephone calls and send validation of the
8 debt and correspondence via letters only.
9
10

11 9. Defendant continued to call Plaintiff despite being told to continue
12 communication via written correspondence only.
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14 10. Defendant failed to provide validation of the alleged debt and written
15 communication within 5 days of the initial contact.
16

17 11. Defendant overshadowed the 30-day dispute period, attempting to
18 collect an alleged debt from Plaintiff when no validation of the debt had been
19 provided.
20

21 12. Defendant is attempting to collect an alleged debt that has been
22 previously paid in full by Plaintiff to the original credit since April 2010.
23

24 13. Defendant's conduct violated the FDCPA in multiple ways,
25 including but not limited to:
26

- 27 a) Causing Plaintiffs telephone to ring repeatedly or
28 continuously with intent to harass, annoy or abuse
Plaintiff (§1692d(5));

- 1 b) Falsely representing or implying that nonpayment of
2 Plaintiff's debt would result in the seizure, garnishment,
3 attachment, or sale of Plaintiff's property or wages,
4 where such action is not lawful or Defendant did not
5 intend to take such action (§1692e(4));
- 6 c) Threatening to take an action against Plaintiff that
7 cannot be legally taken or that was not actually intended
8 to be taken (§1692e(5));
- 9 d) Engaging in conduct the natural consequence of which
10 is to harass, oppress, or abuse Plaintiff (§1692d));
- 11 e) Overshadowing the disclosures required by 15 USC
12 §1692g(a) during the thirty-day dispute period
13 (§1692g(b)); and
- 14 f) Making representations to Plaintiff during the 30-day
15 dispute period that are inconsistent with the disclosures
16 required by 15 USC § 1692g(a) (§1692g(b)).

17 14. As a result of the above violations of the FDCPA Plaintiff suffered
18 and continues to suffer injury to Plaintiff's feelings, personal humiliation,
19 embarrassment, mental anguish and emotional distress, and Defendant is liable to
20 Plaintiff for Plaintiff's actual damages, statutory damages, and costs and
21 attorney's fees.

22
23
24
25 **COUNT I: VIOLATION OF FAIR DEBT**
26 **COLLECTION PRACTICES ACT**

27 15. Plaintiff reincorporates by reference all of the preceding paragraphs.

28 **PRAYER FOR RELIEF**

1 WHEREFORE, Plaintiff respectfully prays that judgment be entered
2 against the Defendant for the following:
3

- 4 A. Declaratory judgment that Defendant's conduct
5 violated the FDCPA;
6 B. Actual damages;
7 C. Statutory damages;
8 D. Costs and reasonable attorney's fees; and,
9 E. For such other and further relief as may be just and proper.
10

11 **PLAINTIFF HEREBY REQUESTS A TRIAL BY JURY**
12

13 Respectfully submitted this 18th day of August, 2011.

14 By: /S Cynthia Z. Levin
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